



National Aeronautics and  
Space Administration

**Principal Center for Regulatory Risk Analysis and Communication**

**REGULATORY ALERT**

**Final Rules: 2010 Hydrochlorofluorocarbon (HCFC)  
Allocation Rule and Pre-Charged Appliances Rule**

*This information was prepared by NASA's Principal Center for Regulatory Risk Analysis and Communication (RRAC). An archive of regulatory alerts, summaries and other information is posted on the [website](#). If you have further questions and/or need assistance, please contact Sharon Scroggins (256-544-7932, [sharon.scroggins@nasa.gov](mailto:sharon.scroggins@nasa.gov)).*

**Date [Citation]:** 15 December 2009 [[74 FR 66413](#) and [74 FR 66451](#)]

**Regulatory Agency:** U.S. Environmental Protection Agency

**Rulemaking Type:** Final Rules

**Titles:** Adjustments to the Allowance System for Controlling HCFC Production, Import, and Export (The 2010 HCFC Allocation Rule)  
Ban on the Sale or Distribution of Pre-Charged Appliances (The Pre-Charged Appliances Rule)

**Summary:**

On 15 December 2009, the U.S. Environmental Protection Agency (EPA) issued two complementary final rules regulating hydrochlorofluorocarbons (HCFCs), which are Class II ozone depleting substances (ODSs).

The final version of the 2010 HCFC Allocation Rule ([74 FR 66413](#)) establishes HCFC production and import limits for the period from 2010 to 2014 to meet the 2010 phase-down requirements under the *Montreal Protocol on Substances that Deplete the Ozone Layer* ("Montreal Protocol"). First established in 2003 ([68 FR 2820](#)), the HCFC Allowance System helps track HCFC production and consumption to monitor against the limits, or "caps," set as part of U.S. obligations under the Montreal Protocol. On 28 December 2008, EPA issued the proposed rule to update the Allowance System ([73 FR 78680](#)). The allowances in the final rule reflect the Class II ODS phase-out schedule. The schedule requires phase-out for most uses of HCFC 22 and HCFC 142b by 1 January 2010, and most uses of other HCFCs by 1 January 2015. In this action, EPA is allocating allowances for the consumption and production of the following HCFCs for the control period of 2010 through 2014: HCFC 22, HCFC 142b, HCFC 123, HCFC 124, HCFC 225ca, and HCFC 225cb. In addition, the allocation rule amends the regulatory provisions concerning allowances for HCFC production for developing countries' basic domestic needs to clarify the ban on the introduction of ODSs into interstate commerce. The final rule is effective 1 January 2010.

EPA issued a separate final rule ([74 FR 66451](#)) for pre-charged appliances to ban the sale or distribution of refrigeration and air-conditioning products containing HCFC 22, HCFC 142b, or blends containing them, beginning 1 January 2010. On 28 December 2008, EPA issued the proposed rule ([73 FR 78705](#)). The ban applies to appliances and components manufactured on or after 1 January 2010. The 2010 Allocation Rule, along with existing requirements at 40 CFR 82.16(c), prohibits U.S. manufacturers from charging newly manufactured appliances with fresh HCFC 22 or HCFC 142b beginning 1 January 2010. The Pre-Charged Appliances rule bans the sale and distribution of products that are charged with HCFC 22 or HCFC 142b before entering the U.S.

**Potential Impacts to NASA:**

The phase-out of HCFC 22 will require the use of alternative refrigerants in chillers and other equipment, or the replacement of existing equipment if refrigerant substitution is not feasible as the equipment is replaced through attrition.

The final 2010 Allocation Rule also sets baseline production and consumption allowances for HCFC 225ca and HCFC 225cb. HCFC 225-based products are used in certain industrial precision cleaning and cleanliness verification applications, among other uses. NASA users should be aware that these materials will no longer be available for use in the U.S. effective 1 January 2015.

**Additional Information:** <http://www.epa.gov/ozone/title6/phaseout/rulesoverview.html>